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THE
FUNCTIONS OF GOVERNMENT
—AND—
THEIR LIMITATIONS.

AN EXAMINATION OF THE PRINCIPLES OF ETHICS INVOLVED
IN THE MUTUAL RELATIONS OF THE GOVERNMENT
AND THE INDIVIDUAL.

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THE FUNCTIONS OF GOVERNMENT AND THEIR LIMITATIONS.

Questions relating to the functions of government are of ever-present concern in every civilized community: but in a republic where all such questions are decided by the people, either by positive action or by default, that they should have a full and correct understanding of the reasons for the institution of government, what its proper functions are, and what are their limitations, is of the most momentous importance. Among what are familiarly called the laboring classes in this, and all other English speaking countries, and many of the nations of continental Europe, there exists at the present time a spirit of unrest, dominated by a sense of injustice in regard to the relations which they sustain to the opportunities to provide for their needs, and to improve their conditions, that is rapidly nearing the safety limit, and which is filling the mind of every student of society with the gravest concern. There is a very general feeling among them that the cause is governmental, and the danger is that in their ignorance of the true functions of government, as well as the true sources of the injustice and hardship which they feel so keenly, they may be led to the adoption of measures that will only increase the evils from which they suffer, and that are destructive to human liberty and happiness. Under these circumstances, does it not behoove every lover of his country and of humanity to examine in the most thorough manner the fundamental principles of government, with their logical application to the various matters that require governmental action, and to use his utmost endeavor to disseminate such knowledge among all classes of society? In the full convic-

tion that the dangers that threaten the public welfare from this quarter are the direct result of the perversion of the functions of government, and that in the words of the first National Assembly of France, "Ignorance, neglect or contempt of human rights are the sole causes of public misfortunes and corruptions of government," this essay is offered as a brief presentation of the principles to which all just government must conform, with examples of some of their most important applications.

When the members of the continental congress appealed to God to justify the rectitude of their intentions, and to the world for sympathy with their cause, they declared that, "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such forms as to them shall seem most likely to effect their safety and happiness."

This passage from the Declaration of American Independence is taken as a text because it is a terse and accurate statement of the nature and origin of the rights of men, the logical origin of the state and the scope of its functions. According to this declaration the sole function of government is the maintenance of the God-given equality of individual rights. This great truth has been denied and these declarations scoffed at as glittering generalities by the defenders of oppression; but their self-evident character will be manifest to all who will but ask themselves this one question: "If there was no danger of any trespass upon individual right, would there be any occasion for any government whatever?" Neither is there any vagueness whatever about them; for notwithstanding that they are as broad as the functions of the state, they are susceptible of application to the minutest details of legislation, furnishing in all cases a decisive test as to the duty of the government.

Having seen what the impelling motive is in the establishment of the state, and that the state exists for the individual, let us inquire upon what ethical principles his allegiance can be demanded. It is frequently said that every right imposes an obligation upon its possessor; but this is an erroneous statement of the origin of obligation, since all obligation has its origin in, and is determined by, the rights of others, and not in or by the rights of self. By virtue of their presence in the world, each in the absolute possession of his own individual powers, by the equal permission of their Creator, they are endowed with an absolute right to the use and enjoyment of such powers, limited only by the equal right of others, and with an equal right of access to and enjoyment of all the provisions of the material universe for the exercise of such powers, from which it follows that each is under obligation to refrain from all trespass upon the equal rights of others, either active by personal volition, or passive by permitting such trespass by others, which he had power to prevent. Because all men individually owe this obligation to each, and the evil disposed will not refrain from trespass upon the rights of others except under compulsion, it is not only their right, but it is their highest obligation, to organize and establish such a government as shall seem best fitted to render their combined power effective in the defense of the rights of each individual from all trespass, public or private: and because each individual owes this obligation to all others, he owes his allegiance to such government in the fulfilment of such obligation.

THE STATE.

To render the power of the whole people effective for the security of the rights of each individual, it is necessary to establish and define by organic law or constitution the powers of the three co-ordinate departments of the government—the legislative, the executive, and the judicial—into which its functions are naturally divided, together with such limitations and declarations of rights as may be necessary for the protection of individual right against trespass by the government, at the same time that it makes clear the nature and extent of its claim to his allegiance.

Let it be observed as the first of all considerations limiting the powers and functions of the state, that civil government can properly concern itself only with the obligations of individuals to each other as related to their external acts, for the sufficient reason that beyond this limit it is impossible for human knowledge to go; and further, for the most profound of all reasons, that any interference with matters of opinion and belief is an invasion of the absolute right of each to the use of such intellectual and moral perceptions as he has been endowed with by his Creator, since the freest use of such faculties in no way interferes with the equal right of any other.

LEGISLATURE.

It devolves upon the legislature to provide by law for the levying and collection of such just taxes as are necessary to the proper performance of all the various functions of the government; to make from time to time such laws as may be necessary to clearly define the rights and obligations of individuals and to provide the mode of redress for any infringement on private right; to organize a judiciary without bias, with courts that shall be equally accessible to every inhabitant, for the settlement of disputes and the trial of offenses against the public weal; to provide the executive department with such military forces and civil service as may be necessary for the public defense and the execution of the laws; to provide for the punishment of crime: to establish public control of all highways, including railways, postal, telegraph and telephone service, water, gas and electric light supply, and any similar public service which is in its nature a monopoly.

TENURE OF LAND.

In political economy the term "land" is applied not only to the surface of the earth, but to all the vast stores of material contained therein, and to the spontaneous products of nature. Man being a land animal and unable to subsist except upon land, the tenure of land, or the terms upon which he can have access to land, limit his opportunities for the exercise of those powers and capacities for the supply of his

own wants and the wants of those dependent upon him, with which he has been endowed by his Creator.

Wherever the spontaneous products of nature afford a sufficient supply for all the wants of the inhabitants, equality of right requires simply that each be allowed to help himself freely: but when, through the increase of population, the spontaneous products of nature fail to supply their needs, and recourse must be had to agriculture and the mechanic arts to furnish a sufficient supply, it becomes necessary to perform more or less labor which becomes attached to the land in such ways that the reward, or product of such labor, can only be secured to him who performs it, by permitting him to occupy it for a longer or shorter time, according to the character of such labor. So long as the demand for land for permanent occupation is fully supplied by equally desirable land, no special advantage will accrue to the occupant as the result of such occupation: but as population increases, towns spring up and the arts develop, the desirability for occupation of land in different locations will vary greatly, as will be seen in the different rent that it will command, aside from that of any product of labor that is fixed upon it: and the occupation or control of the more desirable land gives the occupant an unjust advantage over those who must occupy land less desirable. Since all men have at all times an equal natural right to their choice in the location of the land that they shall occupy, and each has an absolute natural right to the product of his labor that has become attached to the land he occupies, equity requires on the one hand that each occupant shall be permitted to remain in occupation of such land, and on the other hand that he shall be required from time to time to pay into the public treasury the full current rental value of such land, excluding the value of the products of labor thereon. This is the most important of all the functions of government, for upon the access to land depends the maintenance of life itself, upon which the exercise of all other rights depends: hence the denial of, or the failure to maintain equality of right in the occupation or control of land, makes any real and genuine liberty and equality in the exercise of other rights impossible.

It is not necessary to the fullest performance of this function by the state that it should formally take possession of the land, or in the least disturb the present titles of occupation, with the power to sell or bequeath the same, but it need only enforce its right to take annually by taxation the full rental value of the land, exclusive of improvements, just as it has in time past taken a part of such rent. Such a system is eminently practical, since land lies out of doors and cannot be hid, and all the circumstances and conditions that affect its value are open to the inspection of all men. The chief objections to the adoption of this system are based on a misapprehension of the character of the present titles to land. For a clear understanding of this matter, it is not necessary to enter into the history of such titles, but only to consider the following facts: The right of the present generation to occupy and use the earth is not derived in fact from former generations, who only held a life lease of it, but directly from their Creator; and so far from their being bound to maintain any system of land tenure that violates the equality of individual right, they are bound to make whatever change is necessary to secure such equality. But it is said that even if all have an equal right to land, to destroy the capital or selling value by compelling the present "owner," who may have paid for it in the products of his labor, to pay full rent for occupancy would be confiscation; but this proposition is based on the mistaken assumption that he would be robbed of what was his by right when the government restored to others their equal right, whereas, any money that he may have paid for such ownership was simply a speculation in the probability of the government perpetuating the injustice of the present system. So far from the present owners being entitled to compensation from the government for such change, they are in the last analysis simply in arrears in rent.

This source of revenue being one in which all have an equal natural right, any part of it that may be necessary may be justly spent for, and only for, the equal benefit of all; and should any excess of revenue arise from this source above what can be wisely spent in such ways as will be of equal benefit to all, any such excess should be divided equally per

capita. Such a dividend would be one of the most powerful instrumentalities for awakening the people at large to that watchful personal interest in the conduct of the government which is so necessary to the preservation of liberty. As land values are the only ones in which the rights of all are equal and common, and the only ones that are not susceptible of concealment, they are for these reasons the only ones upon which an equitable levy can possibly be laid; equity would therefore seem to require that the expenditures of the government should be limited to the revenue derived from this source.

HIGHWAYS.

So long as, from any cause, men are isolated from each other, the supply of their wants must be very limited, since such supply depends upon their own unaided efforts; but as they come into close neighborly contact they soon learn that one man, with one set of tools and appliances, can supply a large community with some article of general use, thereby saving the labor involved in the acquisition of the requisite skill by many men, and a proportional multiplication of tools, while effecting many other economies by the concentration of production, thus liberating for the supply of other wants a large amount of labor previously wasted. If the opportunity to freely produce is secured by maintaining the equal right to land, the source of all production, together with the right to freely exchange the products of labor, this specialization of industry will continue to develop to the mutual and equal advantage of all concerned; but the specialization of industry, in which individuals apply their labor to some special line of production, can only effect the supply of the various wants of each through an exchange of products; but exchange involves transportation, which necessitates highways; but a highway is in its very nature a monopoly, and private ownership of it confers the power to levy tribute on all who must use it, without regard to the value of the service rendered, and to discriminate between them at will. Hence the ownership and control of all highways, including railways, canals, navigable rivers and harbors, is a public function, to be exercised in the equal interest of all.

Exchange is a part of production, for no process of production can be considered complete until the product reaches the consumer, so that the cost of exchange is a part of the cost of production. The cost of exchange is usually small, compared with the great saving of labor effected by the specialization of industry, so that there results therefrom a large net gain in the supply of human wants, but any taxation or other burden placed upon exchange under any pretext whatever increases the cost of production at the expense of the consumer. As every such tax is a tax upon industry in supplying human need, which must be paid by the consumer, it is a tax upon the necessities of men, the folly of which is only equalled by its iniquity.

TRANSMISSION OF INTELLIGENCE.

The general advance in knowledge, the development of the arts and sciences, and the great specialization of industry, render the establishment of great systems for the cheap and rapid transmission of intelligence a public necessity, but any such system that could adequately fulfil the requirements of the case would involve the elements of monopoly similar to those of highways and be subject to the same abuses if left to private control, for which reason their ownership and control is also properly a public function.

WATER.

In sparsely populated districts the necessary supply of water can usually be secured and the disposal of the waste matter incident to human habitation be effected by individual action without danger to life or health, but in densely populated districts, such as cities and large villages, the water supply must come from sources that are only available through a large outlay of capital and the grant of special privileges in the streets and highways, and that are in other respects of such a character as to render them monopolies. For this reason such water supply should in all cases be owned and operated by the public in the equal interest of all.

STREET RAILWAYS, LIGHT, HEAT OR POWER.

Street railways, gas, electric light, heat, or power, and all similar systems requiring special privileges in the public streets, or elsewhere, should be owned and operated by the public. Since the multiplication of such systems would in most cases be a sheer waste of capital, no real competition is possible, therefore the owners of such systems have the power to levy tribute on all who need the service of such systems, out of all proportion to the value of the service rendered: but the right and duty of the government to control any instrument or function extends only so far as the control of such instrument or function involves a monopoly.

The difficulties that beset the administration of public affairs in the matter of public improvements, such as the laying out and maintenance of streets and highways, water supply and sewers, the location of parks, schools and other public institutions and works, from the conflict of selfish local interests, due primarily to the way in which such public works affect the value of land in their vicinity, would be reduced to a minimum undreamed of at present, as a result of taking by taxation of the full economic rent of the bare land, since that would equalize the benefits of such improvements by the collection for public use of the increased ground rent which such land would yield as the result of such improvements.

PUBLIC HEALTH.

The duty of the public to enforce proper sanitary regulations arises from the fact that the public health is exposed to dangers from epidemic and infectious diseases which depend for their propagation and dissemination upon causes and conditions against which the individual cannot protect himself. To this class of duties belong the construction and maintenance of sewers and the disposal of sewage; the inspection of the water supply and the food products offered in market: the inspection of dwellings, churches, school houses, factories, stables, etc., etc., and the establishment of such hospitals as the public safety may require. Akin to these duties

is that of maintaining a department for the extinguishment of fires.

WEIGHTS AND MEASURES.

One of the first necessities of exchange is a system of weights and measures; to prevent fraud in such weights and measures it is necessary that the government should establish such a system by law.

CURRENCY.

The duties of the government in regard to the regulation of the currency are similar to those in regard to weights and measures, and have their origin in the public necessity for a uniform and definite measure of value in effecting exchange, which is the chief function of money, but it is essential to the perfect fulfilment of this function that the currency itself should possess a definite intrinsic value, or be convertible with ease and certainty into such a currency at its face value. In the matter of the selection of the commodity for use as a measure of value the government can do little more than conform to ordinary commercial usage and furnish that commodity in the most convenient form for currency, with its own stamp and guarantee of the quality and quantity of each specimen, and prohibit the counterfeiting of its stamp; for the history of finance has abundantly proved that unless the selection of the standard of value does conform to such commercial usage, it is sure to be discredited and to fail to perform its function perfectly. For various reasons which it is not necessary to enter upon here, the commerce of the world has for the last quarter of a century shown a constant and rapid advance toward making gold the standard measure of value, as possessing in a higher degree than any other commodity the qualities required in such a measure.

EDUCATION.

All history has shown that equal rights can only be secured by admitting all classes of citizens to an equal participation in the government, but self-government can rest

secure only upon the general intelligence and sound morality of the whole people, wherefore it becomes the duty of the state to furnish the means for, and to insist upon, such a measure of educational training, physical, intellectual and moral, as is necessary to fit them for the ordinary business of life, and to enable them to understand the nature and extent of their own rights and the nature and extent of the obligations that they owe to others, together with such a knowledge of the proper functions of government and their limitations as will enable them to act intelligently upon public affairs, since the public welfare is involved in the wisdom or folly with which they fulfil the trusteeship of the rights of others involved in the exercise of political power. To deprive any class of the inhabitants of equal participation in the administration of the government is to expose them to the danger of having the government which is instituted to secure their equal rights perverted for their invasion.

On the other hand, to give them an equal share in the government without giving them the education necessary to enable them to use such power intelligently is to put the rights of others, as well as their own, in peril from their ignorance; hence arises the duty of the state to provide a sufficient public education to fit all classes to exercise such political power as is necessary for the security of their own rights, with safety to the rights of others.

REFERENDUM.

The history of special legislation in the United States for the past century, with the present condition of our statutes, affords abundant evidence that any system of representative government which delegates full power to legislate without requiring that each and every act of legislation shall be submitted to and be approved by a direct vote of the people before it shall become a law, exposes the equal rights of the people to invasion by such special legislation that is scarcely less dangerous than that which attends the limitation of the suffrage. The power of party machines and the corruption of party politics, so much deplored in all representative governments, is due to the opportunities which this system

affords to advance private interests at the expense of the public welfare by such special legislation as could not even hope to obtain the direct approval of the people.

The history of special legislation is simply the record of the granting of special privileges to certain individuals upon one specious pretext or another, although it is a fundamental and self-evident truth that no special privilege can possibly be granted or held, except at the expense of the equal rights of others, and it cannot be too clearly apprehended that every species of invasion of the equality of individual right is detrimental to the public welfare.

SUMPTUARY LEGISLATION.

Of all legislation against luxury as such, it is enough to say that it is a flagrant violation of the equal right of each and every individual to use and enjoy his own as he will, without regard to its amount, so long as in so doing he does not trespass upon the equal rights of others. All such legislation has in all ages proved as futile in effect as it is unjust in principle.

MORAL LEGISLATION.

The evil of drunkenness has exercised the minds of legislators in all ages, and many and various have been the attempts to mitigate the evil by legislation. In recent times the attempts to do this have taken the form of restricting the right to traffic in intoxicating liquors to certain persons by a system of license, or that of a total prohibition of such traffic, and even of their manufacture; with results under both systems that have been far from satisfactory to the friends of temperance. Their failure is in large measure due to the fact that the underlying causes which beget and develop the appetite for intoxicants, although largely legislative, are not reached by such legislation. In any attempt to regulate the traffic in alcoholic liquors and other intoxicants by legislation, the responsibility in law should conform as accurately as possible to the responsibility in morals. It should never be forgotten that the evil is not in their sale, but in their consump-

tion, the manner of which is determined by the consumer, and that they have many uses which do not imperil the rights of others. In such cases their use or sale is perfectly innocent and should in nowise be interfered with by tax or otherwise; but when any one sells such intoxicants to any person whom they have reason to believe will make such use of them as will imperil the welfare of others, they take it upon themselves to expose others to such peril, and both the seller and the consumer should be held, jointly and severally, responsible for any damage that results to the interests of others from such use. This example is given of the principles and considerations which should govern all so-called moral legislation.

The duty of the state to punish crime is comprehended in imposing upon the criminal such measure of the deserts of his crime as may seem best adapted to effect the security of the innocent in the enjoyment of their rights, and in the use of such means for their reformation as are compatible with the safety of others. Government being instituted to secure the inalienable right of all men to freedom, any restriction of individual freedom beyond what is necessary to prevent trespass upon the equal right of others is itself an invasion of such right.

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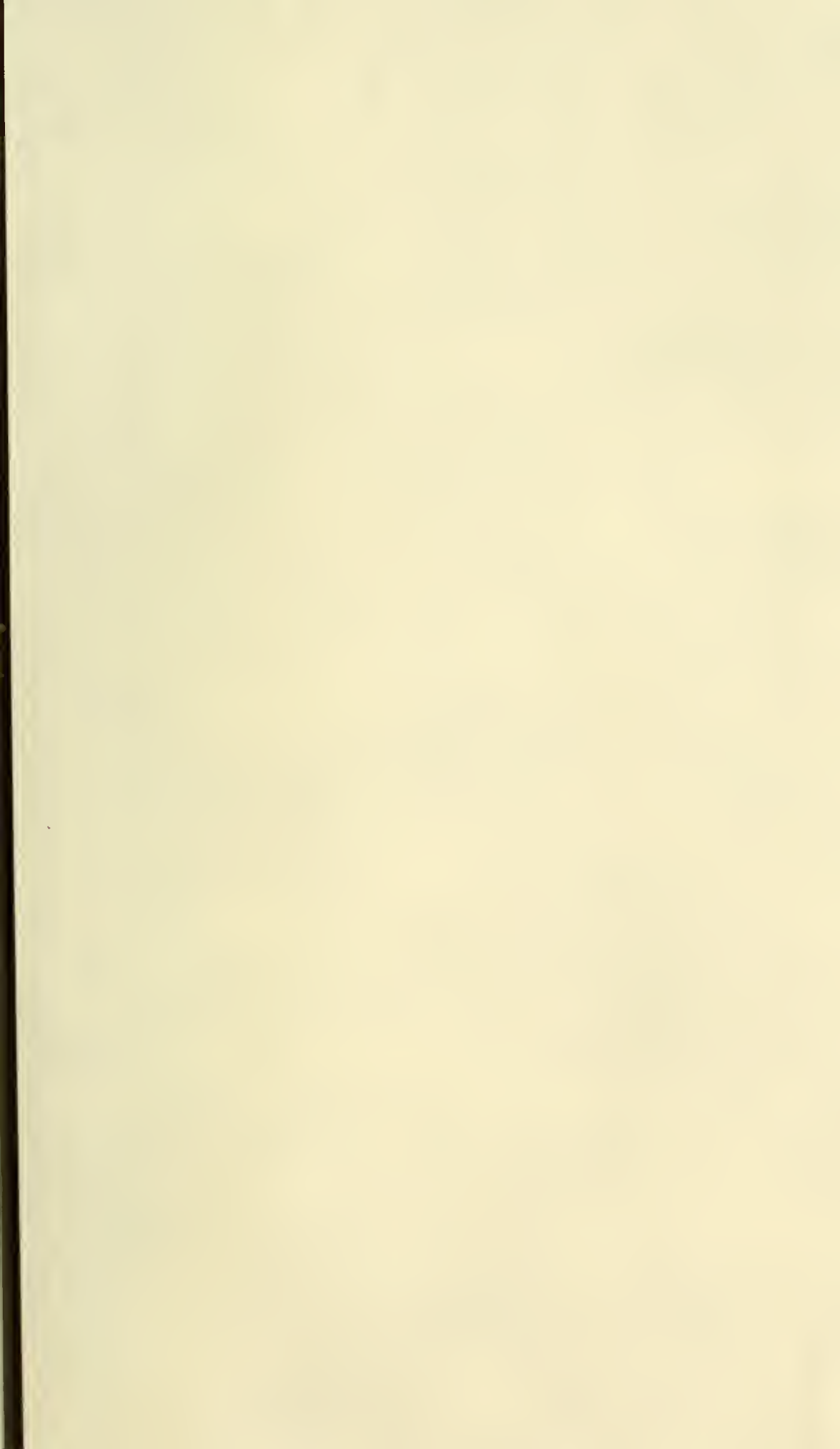
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